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MEMO ENDORSED

July 11, 2013

Via Facsimile: 914-390-4152

Honorable Justice Kenneth M. Karas
United States District Court
Southern District of New York
Federal Building and United States Courthouse
300 Quarropas St., Chambers 533
White Plains, NY 10601-4150

Re: Jeffrey Deskovic v. City of Peekskill, et al.
07-CV-8150(KMK)
07-CV-9488(KMK)

Dear Judge Karas:

The undersigned represents proposed Intervenor-Plaintiff, New York Municipal Insurance Reciprocal (NYMIR) in connection with the above actions. By letter dated May 7, 2013, we requested a pre-motion conference in connection with the declaratory judgment action commenced on behalf of NYMIR. Your Honor scheduled a conference on the putative summary judgment motion on July 16, 2013. We now request that the conference be cancelled with leave to seek a motion conference at a later date.

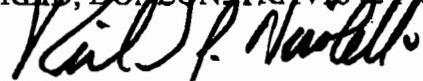
NYMIR is substituting the firm of Kaufman, Borgeest and Ryan, LLP for our firm. Moreover, counsel for plaintiff Deskovic indicates that it will be filing a third party complaint to add Westport Insurance Company as a party to this action. Counsel for Deskovic has also requested additional time to obtain certain discovery. For these reasons we do not believe a pre-motion conference is necessary at this time.

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Thank you for your consideration of this request.

Respectfully submitted,

CONGDON, FLAHERTY, O'CALLAGHAN,
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So Ordered.

7/12/13